

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: SP # 2009 Garden Center

DATE: April 18, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: April 30, 2003

PROPOSAL: To operate a Garden Center.

LAND AREA: 38.19 acres, more or less.

CONCLUSION: Generally in conformance with the Comprehensive Plan.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 18, Irregular Tract, in Section 25, T10N, R5E.

LOCATION: Generally located at S. W. 70th Street and West "O" Street (Hwy #6).

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Nursery and Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Agriculture, "Playmore" dance hall, farm house	AG, Agricultural
South:	Agriculture	AG
East:	Agriculture and a farm residence	AG
West:	Agriculture. LES power line.	AG

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Agricultural Stream Corridor in the Comprehensive Plan (F25).

HISTORY: This area was zoned AA, Rural and Public Use, updated to AG, Agricultural in 1979.

SPECIFIC INFORMATION:

UTILITIES: None available. This area is outside of the rural water districts and outside the future urban service area shown in the Comprehensive Plan.

TOPOGRAPHY: Generally flat, sloping down to the south and east.

TRAFFIC ANALYSIS: West “O” Street is 2 lane Federal Highway #6. S. W. 65th is a gravel county road.

PUBLIC SERVICE: This area is served by the Lincoln Public School District, the Southwest Rural Fire District, and is in the LES service area.

REGIONAL ISSUES: Entrance to the city. Development along “O” Street and flood plains.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on or near this site. The soil rating is 1.0. A rating of 1 to 4 is prime. This is prime agriculture soil. There is flood plain on the entire site and about the south half is in flood way. The building site grade is about 2.5 feet below the 100 year flood elevation. This is located south of the Emerald SID well and pump house. *This is in the Emerald wellhead protection zone.*

AESTHETIC CONSIDERATIONS: This site is along an entry-way corridor. The site is very visible.

ALTERNATIVE USES: Agricultural uses, including a nursery and horticulture, or two acreage residential uses.

ANALYSIS:

1. This is a request for a garden center on a 38.19 acre parcel, as provided in 27.63.110.
2. The garden center is proposed to consist of a 3,200 sf Garden Center, a 3,200 sf greenhouse, a 2,000 sf shop and other maintenance facilities and greenhouses. This application is requesting approval of 15,000 square feet for “Garden Center” plus additional greenhouses and ‘hoop’ buildings. It is not clear in the application, what is intended to be included in the 15,000 square feet.
3. Hours of operation and exterior lighting is not addressed in the application.
4. The applicant is showing 5 stalls of parking with a future 6 additional stalls. 27.67.100 requires paving of parking lots of six or more stalls.
5. The AG district and the garden center special permit provisions have no parking requirements. A parking requirement of one stall per 300 square feet (a typical retail requirement) would require 11 stalls for the 3,200 square foot retail building shown. A 15,000 retail establishment would require 50 stalls. Additional parking for employees

and to accommodate seasonal “overflow” customer parking is not shown.

6. Watershed Management requested additional information, see attached.
7. The County Engineer notes no objections.
8. The Lower Platte South NRD advises the landowner follow the standard permitting regulations for fill in the flood plain with the City of Lincoln, see attached.
9. The Lincoln Airport Authority is requesting an Avigation and noise Easement and Covenant Agreement as this is in the Airport Environs Noise District., see attached.
10. The Lincoln Lancaster County Health Department notes several issues including floodplain, wellhead protection and waste disposal, see attached letter.
11. Building and Safety notes issues on dimensions and flood plain permits, see attached.

CONDITIONS:

Site Specific:

1. This approval permits a Garden Center of up to 15,000 square feet of floor area.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan including 6 copies showing the following revisions:
 - 2.1.1.1 The building envelopes dimensioned from the property line.
 - 2.1.1.2 A note that Flood plain permits will be required for all new structures or fill.
 - 2.1.1.3 Secondary containment for the storage of chemicals (fertilizers, pesticides, etc..

- 2.1.1.4 The buildings for the storage for chemicals at least one foot above the flood plain.
- 2.1.1.5. A minimum of a 300 foot buffer between storage of chemicals and any existing or future residential populations or less if approved by Lincoln Lancaster County Health Department.
- 2.1.1.6 Indicate clearly that the area is in the flood plain.
- 2.1.1.7. Finished floor elevations must be 1 foot above the base flood elevations
- 2.1.1.8. 11 stalls of paved parking, note separate employee parking and show "overflow" parking for seasonal demand.
- 2.2 Provide an Avigation and Noise Easement and Covenant as requested by the Airport Authority in the letter of 4/9/03
- 2.3 Provide a current and valid access permit exists for a commercial entrance to W. "O" Street.
- 2.4 The construction plans comply with the approved plans.
- 2.5 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this Garden Center all development and construction is to comply with the approved plans.
 - 3.2 Before occupying this addition City/County Health Department is to approve the water and waste water systems.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Mike DeKalb
Planner

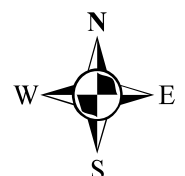
APPLICANT: Pine Valley Nursery and Landscaping
6901 West "O" Street
Lincoln, NE 68528

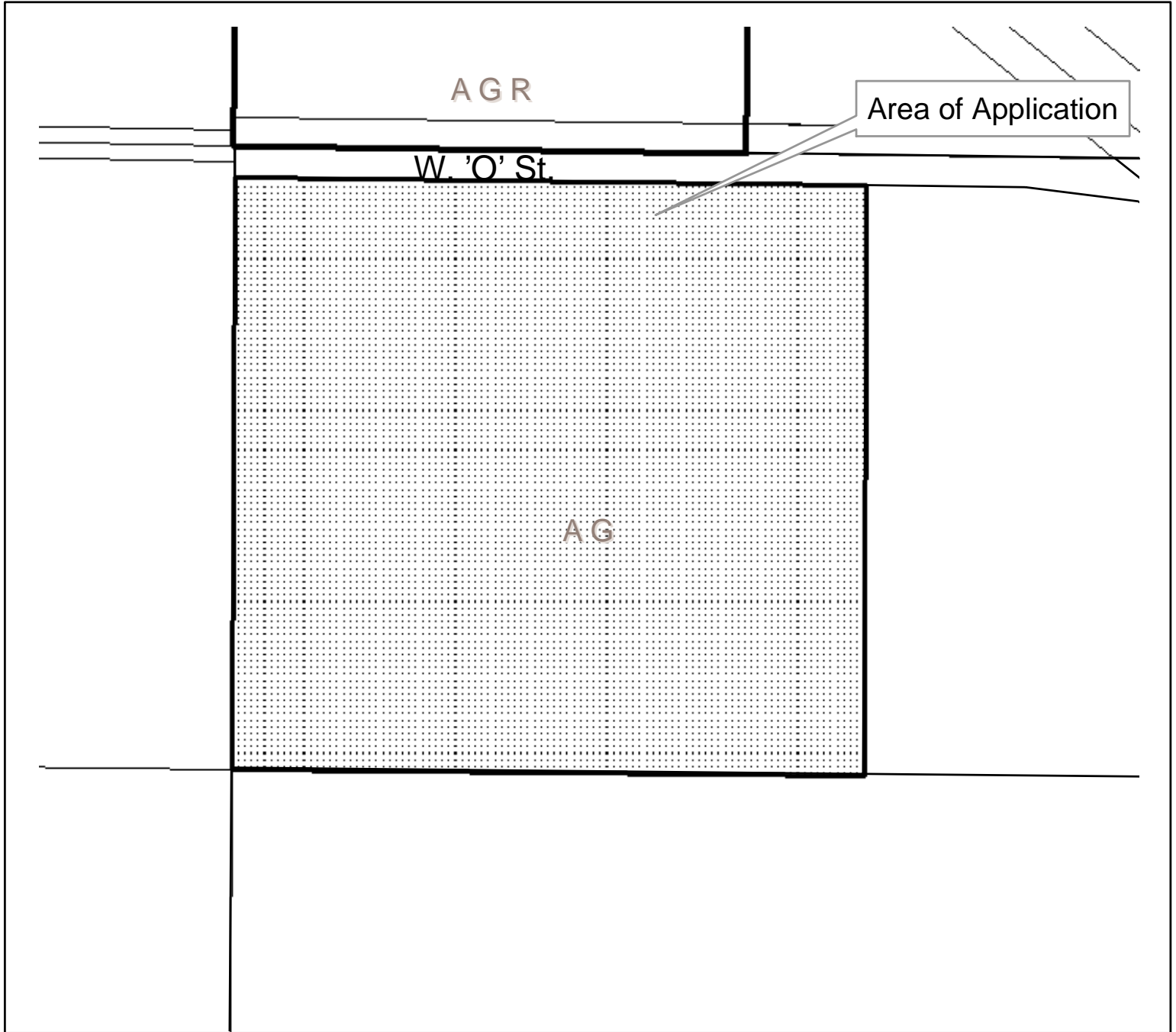
OWNER: Eugene T. And Jo Ann Benes
6600 West 'A' Street
Lincoln, NE 68532
(402) 438-3377

CONTACT: Brian Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402) 434-2424



**Special Permit #2009
69th & West 'O' Streets
Garden Center**

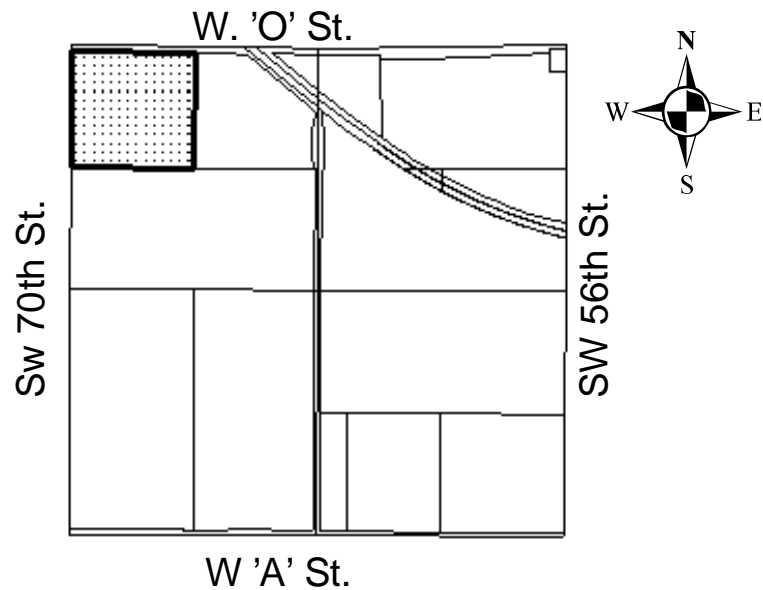
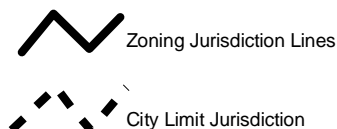


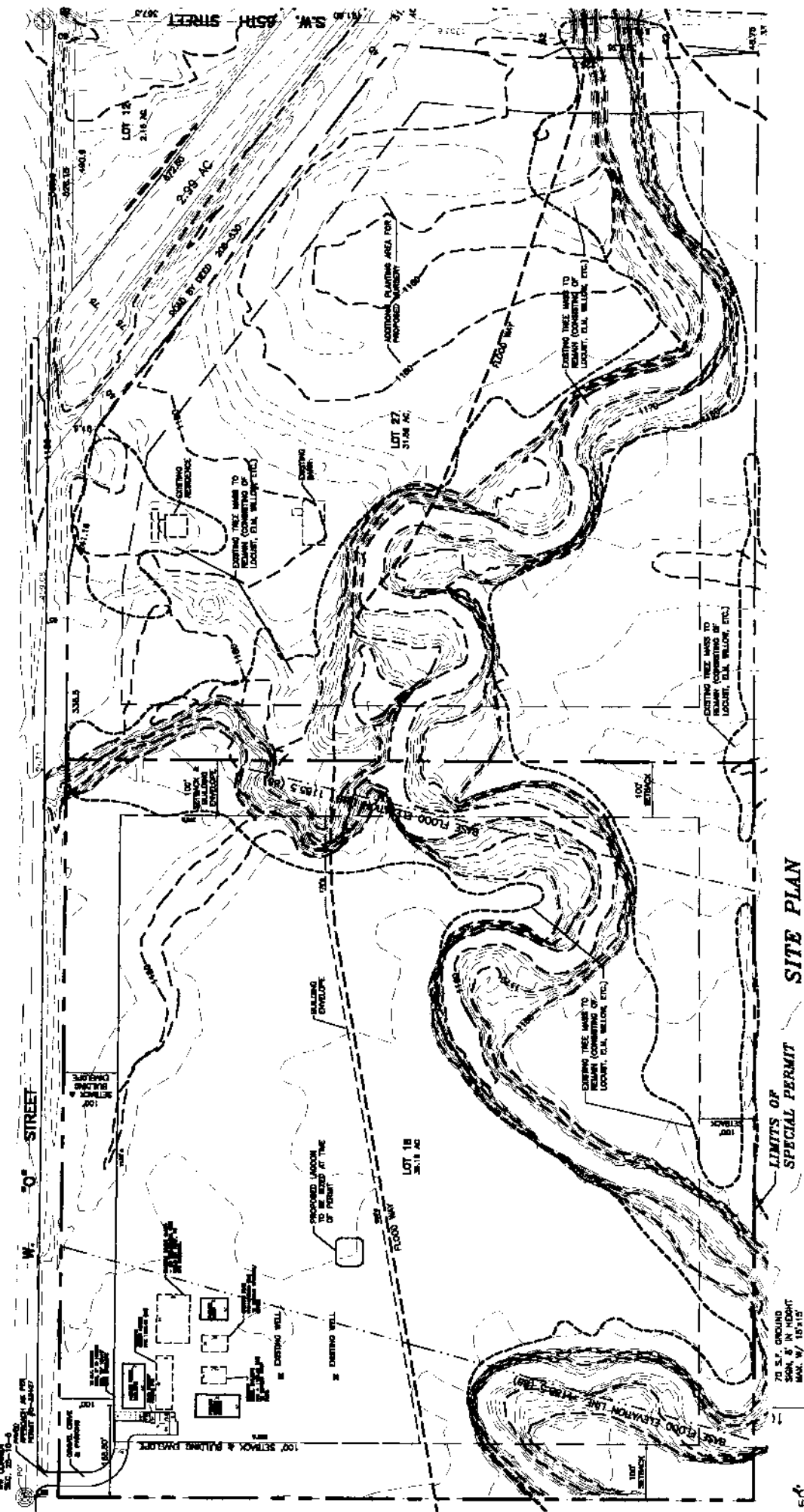


Special Permit #2009 **69th & West 'O' Streets** **Garden Center** **Zoning:**

One Square Mile
 Sec. 25 T10N R5E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



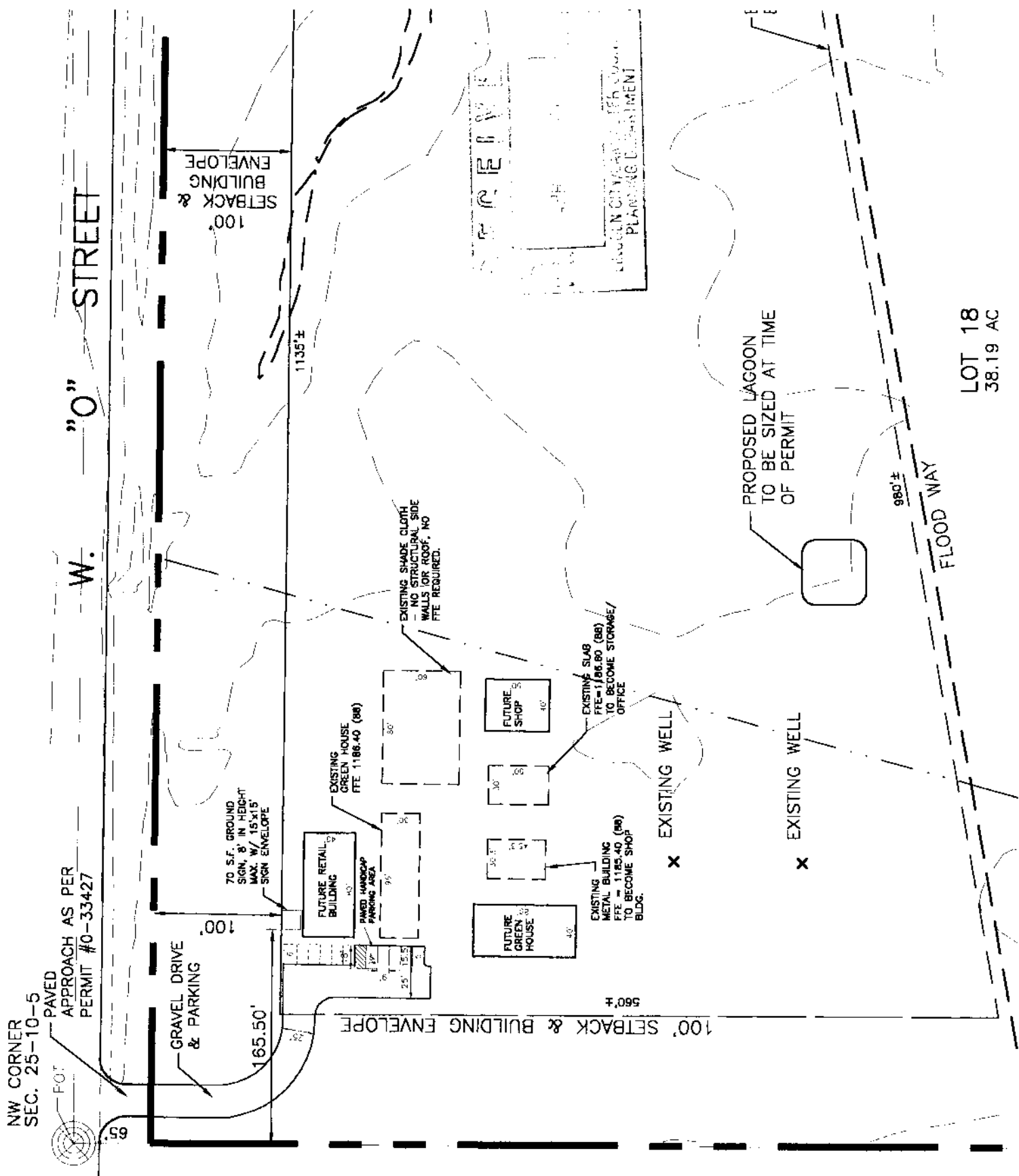


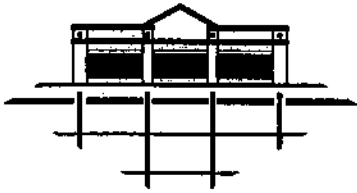
Special Permit #2009 69th & West 'O' Streets Garden Center

COUNTY OF HENRY
PLANNING DEPARTMENT



Special Permit #2009 69th & West 'O' Streets Garden Center





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 3, 2003

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

*RE: SPECIAL PERMIT FOR A 'GARDEN CENTER'
6901 West 'O' Street*

Dear Marvin,

On behalf of Pine Valley Nursery and Landscaping, we are submitting a Special Permit to operate a 'Garden Center' in the AG zoning district. This site is 38.19 acres and currently has a 4,300 square foot of existing green house and out building with an existing hoop house. We are requesting a to total of 15,000 square feet of 'Garden Center'. Additional green houses, hoop houses and storage buildings may be constructed within the building envelope. They will not be located closer than 100 feet to any exterior property line.

A ground sign building envelope has been located on the plan. The proposed ground sign is 70 square feet with a maximum height of 8 feet.

The access shown has been approved by the Department of Roads and has a permit number of 0-33427. We are proposing a paved driveway and parking area. See the attached plans for details in this area. We are proposing 5 parking stalls with 6 future parking stalls. One ADA accessible parking stall will be paved and a sidewalk will be provided to the front door to meet ADA requirements. No waivers are requested at this time.

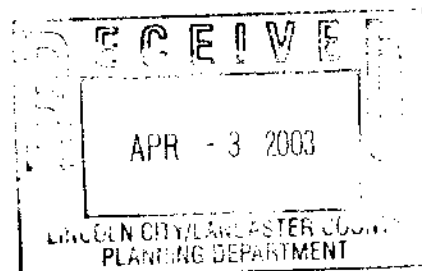
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc. Pine Valley Nursery and Landscaping
Dean Graham

Enclosures: Application for a Special Permit
Application Fee of \$585.00
24 copies of Sheet 1 of 1
8-1/2" x 11" reductions
Certificate of Ownership



PUBLIC WORKS AND UTILITIES DEPARTMENT
WATERSHED MANAGEMENT

MEMORANDUM

To: Mike DeKalb
Cc: Ben Higgins, Dennis Bartels

From: Devin Biesecker
Date: April 15, 2003

Subject: Pine Valley Nursery

Below are Watershed Management's comments on the special permit for Pine Valley Nursery and Landscaping . Comments are based on a 1-sheet plan stamped April 3, 2003 by the Planning Department.

1. Indicate clearly that the area that is in the floodplain.
2. Finished floor elevations must be 1 foot above the base flood elevations.


Recommendation: Show datum consistent with FEMA study along with the required 1988 datum.

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

Memorandum

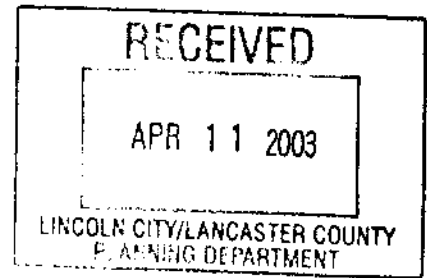
Date: April 15, 2003
To: Mike DeKalb, Planning Dept.
From:  J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District
Subject: Pine Valley Nursery & Landscaping Special Permit

We have reviewed the Special Permit of the project above. We would advise the landowner to follow the standard permitting regulations for fill in the floodplain with the City of Lincoln. If land disturbance for the building pads exceeds 2 acres, the landowner will need to obtain an NPDES permit through our office.

If you have any questions, feel free to call.

JBD/jbd

pc: file



April 9, 2003

Mr. Mike DeKalb, Project Planner
City-County Planning
555 So. 10th
Lincoln, NE 68508

Subject: Lincoln Airport, Lincoln, NE
Pine Valley Nursery & Landscaping
Special Permit 2009

Mr. DeKalb:

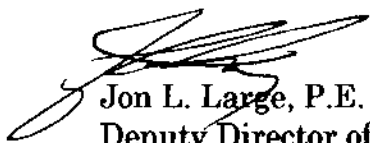
After reviewing the Special Permit request we have the following comments:

This area is within the Airport Environs Noise District and subject to the provisions contained in Chapter 27.58 of the Lincoln Municipal Code. This will require an appropriate Avigation and Noise Easement and Covenant Agreement, if there is not already one for this property.

If you have any comments or questions, please give me a call.

Sincerely,

AIRPORT AUTHORITY

A handwritten signature in black ink, appearing to read 'Jon L. Large'.

Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb

cc: Mike Johnson, Legal Counsel, w/enclosures

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb	DATE: April 14, 2003
DEPARTMENT: Planning	FROM: Chris Schroeder Doug Smith, REHS
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Bruce Dart, Director EH File EH Administration	SUBJECT: Pine Valley Nursery and Landscaping SP #2009

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application and conducted an onsite inspection with the following items noted:

- The majority of the soil in the area is Kennebec or Nodaway. Kennebec and Nodaway have severe limitations for onsite wastewater systems due to flooding. The majority of this property lies within the 100 year flood plain. A wastewater lagoon may be constructed to serve this property provided the top of the dike is a minimum of one foot above the flood plain. It will also be necessary to line the lagoon or seal the lagoon with bentonite to ensure that acceptable percolation rates are not exceeded.
- An onsite wastewater treatment system permit will need to be obtained from LLCHD prior to the construction of a lagoon. If the projected wastewater flows exceed 1000 gallons daily, it will be necessary to obtain a permit from the Nebraska Department of Environmental Quality.
- Two wells exist on the property. Both wells have been constructed with extended casings to place them above the flood plain. Both wells are currently used to irrigate nursery stock. Both wells have temporary soil berming. Long term berming and landscaping will be needed to ensure the berming is not eroded if a flood event were to occur.
- It is the responsibility of Pine Valley Nursery and Landscaping to contact the Nebraska Department of Health and Human Services to determine if the customer and employee projections place the water supply within the definitions of a public water supply as defined by the Nebraska Safe Drinking Water Act.

- The proposed garden center is located within the Emerald Wellhead Protection Area. The LLCHD has concerns regarding the storage of chemicals and the possible contamination of the potable groundwater supply in the event of a chemical spill. In addition, the proposed garden is located within the 100 year flood plain. In general, the LLCHD does not recommend storing chemicals within flood plains. Should this special permit application be approved, the LLCHD recommends that the applicant install secondary containment for the storage of chemicals (fertilizers, pesticides, etc.). Also, when designing the building for chemical storage, the applicant should take into account the elevation(s) for the 100 year flood plain. The LLCHD recommends building the storage for chemicals at least one foot above the flood plain.
- The existing zoning directly to the north of this proposed garden center is AGR. The site plan indicates a future retail building located in the Northwest corner of the property. It is assumed that the future uses of the retail building will include the storage of fertilizers, pesticides, and other chemicals. Therefore, LLCHD recommends a minimum of a 300 foot buffer between storage of such chemicals and any existing or future residential populations.
- Prior to demolition or renovation of any existing commercial structure, an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



Rodger P Harris

04/14/03 03:09 PM

To: Michael V Dekalb/Notes@Notes
cc: Chuck A Zimmerman/Notes@Notes
Subject: Pine Valley Nursery - SP 2009 - NW 1/4 Sec. 25-10-5

We have reviewed the above project and have the following comments to offer:

1. This entire site is located within the 100 year flood and Floodway. Additional flood related comments will follow.
2. General Note 3 indicates the buildings will be located within building envelopes. While the building envelopes are size dimensioned, they should also be located from property lines by dimension.

Dale L Stertz

04/16/03 10:59 AM

To: Michael V Dekalb/Notes@Notes
cc:
Subject: Pine Valley Nursery

This Department has been working with the applicant on flood plain permits for various existing or proposed structures for this site. There have been 4 permits issued as of this date that will be in compliance with flood plain regulations. There have been no building permits issued to this date as the operation of the business fell under the definition of agriculture. In the future, if this request is approved, flood plain, building, electrical, plumbing, and mechanical permits will be required for all new structures on this site. If any new fill material is brought to this site or any re-grading of the site is done within the 100 year or flood way area proper permits will need to be obtained from this office. The proposed lagoon will also have to comply with all flood plain regulations.